

EXHIBIT U



David S. Torborg/JonesDay
Extension 4-5562
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To "Draycott, Justin (CIV)" <Justin.Draycott@usdoj.gov>
cc R. Christopher Cook/JonesDay@JonesDay, James R.
Daly/JonesDay@JonesDay, egortner@kirkland.com,
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bcc David S. Torborg/JonesDay
Subject Outstanding depositions

History: This message has been forwarded.

Justin,

On Friday, we agreed to touch base today to advise of our respective clients' positions with respect to outstanding depositions. Abbott agreed to consider your thoughts regarding those depositions where the Government asserted the deliberative process privilege (DPP). The Government agreed to provide a final answer on whether it will provide designations and dates for the outstanding 30(b)(6) depositions and the deposition of Mr. Burney, depositions for which Magistrate Bowler previously denied the Government's motions for protective orders.

With respect to the outstanding DPP depositions, you provided your view on how these depositions would proceed should Abbott reconvene the depositions. In short, your view was that the parties would end up back before the special master to litigate whether the information sought in defendants' questioning would be protected under the qualified DPP. Because the thwarted questioning involves issues that in our view are important to the litigation, Abbott remains committed to reconvening these depositions. As we discussed Friday, we believe that it will be much more efficient for the parties, the witnesses, and the Judge van Gestel to conduct these depositions in the presence of Judge van Gestel (in person or by video conference/phone). Because both parties anticipate that Judge van Gestel will have to resolve the merit of the Government's DPP assertions, we see no reason not to provide him the real-time opportunity to request information necessary for his rulings, and to make rulings. I intend to call Judge van Gestel's case manager tomorrow to schedule a conference call with Judge van Gestel to discuss a suitable approach. Please advise me if you would like to participate in my call with the case manager.

Thanks,
- Dave

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